

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 12-10576
)	
DENNIS E. LAMBKA,)	
)	
Defendant.)	

COMPLAINT

The United States of America, pursuant to 26 U.S.C. §§ 7401 and 7403, at the direction of the Attorney General of the United States, with the authorization and sanction of, and at the request of, the Secretary of the Treasury, brings this civil action to reduce to judgment the outstanding unpaid federal income tax liabilities of defendant Dennis E. Lambka. In support of this action, the United States alleges as follows:

1. Jurisdiction is conferred upon the district court pursuant to 26 U.S.C. § 7402 and 28 U.S.C. §§ 1331, 1340, and 1345.
2. The defendant Dennis E. Lambka resides in Shelby Township, Michigan, within the jurisdiction of this Court.
3. On April 18, 2005, Dennis E. Lambka was convicted of Conspiracy to Defraud the United States, Commit Bank Fraud, and Commit Theft of Embezzlement from Employee Benefit Plan for, *inter alia*, deliberately under-reporting and under-paying withholding taxes and defrauding the United States of over \$50 million. Mr. Lambka was sentenced to 54 months in prison, of which he served two years. (Case No. 2:04-cr-80450-RHC-VMM (E.D. Mich.)).

4. As a condition of his probation, Mr. Lambka was ordered to pay \$526.66 per month towards his outstanding income tax liabilities described in paragraph 6, below.
5. When his probation ended, Mr. Lambka ceased making payments on his outstanding federal income tax liabilities.
6. A delegate of the Secretary of the Treasury made assessments against Mr. Lambka for unpaid federal income tax liabilities as set forth below.
 - a. For income tax period ending December 31, 1999:

Assessment Date	Assessment Type	Assessment Amount
2/11/2002	Tax Assessed Per Return Filed	\$232,818.00
2/11/2002	Late Filing Penalty	\$11,916.45
2/11/2002	Late Payment Penalty	\$5,825.82
2/11/2002	Interest Assessed	\$9,759.42
9/5/2005	Fees and Expenses of Collection	\$19.00
10/25/2010	Fees and Expenses of Collection	\$19.00
5/9/2011	Fees and Expenses of Collection	\$16.00
Total with payments as of December 19, 2011		\$114,082.44

- b. For income tax period ending December 31, 2000:

Assessment Date	Assessment Type	Assessment Amount
4/29/2002	Tax Assessed Per Return Filed	\$251,595.00
4/29/2002	Failure to Pre-Pay Penalty	\$1,256.74
4/29/2002	Late Filing Penalty	\$6,235.51
4/29/2002	Late Payment Penalty	\$3,002.28
4/29/2002	Interest Assessed	\$3,717.12
Total with payments as of December 19, 2011		\$110,592.38

c. For income tax period ending December 31, 2001

Assessment Date	Assessment Type	Assessment Amount
6/17/2002	Tax Assessed Per Return Filed	\$135,336.000
6/17/2002	Failure to Pre-Pay Penalty	\$2,315.00
6/17/2002	Late Payment Penalty	\$988.66
6/17/2002	Interest Assessed	\$686.08
11/14/2005	Fees and Expenses of Collection	\$13.00
Total with payments as of December 19, 2011		\$132,657.86

d. For income tax period ending December 31, 2002

Assessment Date	Assessment Type	Assessment Amount
10/27/2003	Tax Assessed Per Return Filed	\$13,842.00
10/27/2003	Failure to Pre-Pay Penalty	\$284.00
10/27/2003	Late Payment Penalty	\$316.33
10/27/2003	Interest Assessed	\$237.80
3/27/2006	Fees and Expenses of Collection	\$19.00
Total with payments as of December 19, 2011		\$17,359.99

e. For income tax period ending December 31, 2003

Assessment Date	Assessment Type	Assessment Amount
2/8/2010	Assessment Per Return Filed	\$3,959.00
2/8/2010	Failure to Pre-Pay Penalty	\$102.13
2/8/2010	Late Filing Penalty	\$890.77
2/8/2010	Late Payment Penalty	\$989.75

2/8/2010	Interest Assessed	\$2,045.96
9/27/2010	Fees and Expenses of Collection	\$13.00
Total with payments as of December 19, 2011		\$8,578.24

f. For income tax period ending December 31, 2004

Assessment Date	Assessment Type	Assessment Amount
7/4/2005	Tax Assessed Per Return Filed	\$15,756.00
7/4/2005	Failure to Pre-Pay Penalty	\$451.52
7/4/2002	Late Filing Penalty	\$1,418.04
7/4/2005	Late Payment Penalty	\$236.34
7/4/2005	Interest Assessed	\$227.32
Total with payments as of December 19, 2011		\$29,723.63

g. For income tax period ending December 31, 2006:

Assessment Date	Assessment Type	Assessment Amount
2/8/2010	Tax Assessed Per Return Filed	\$102.00
2/8/2010	Late Filing Penalty	\$100.00
2/8/2010	Late Payment Penalty	\$17.34
2/8/2010	Interest Assessed	\$35.92
Total with payments as of December 19, 2011		\$281.85

h. For tax period ending December 31, 2008:

Assessment Date	Assessment Type	Assessment Amount
5/4/2009	Tax Assessed Per Return Filed	\$508.00
3/14/2011	Accuracy Related Penalty	\$2,283.00
3/14/2011	Additional Tax Assessed	\$11,417.00
3/14/2011	Interest Assessed	\$1,059.48

5/16/2011	Fees and Expenses of Collection	\$16.00
Total with payments as of December 19, 2011		\$16,222.85

7. On the dates of the tax assessments described in paragraph 6, above, a delegate of the Secretary gave notice of the tax assessments to, and made a demand for payment upon, Mr. Lambka.
8. Despite such notice and demand, Mr. Lambka has failed, neglected, or refused to pay in full the liabilities described in paragraph 6, above.
9. After the application of all abatements, payments, and credits, and the addition of accrued penalties, interest, and costs for collection fees, Mr. Lambka remains indebted to the United States of America for the liabilities described in paragraph 6, above, in the amount of \$429,499.24, plus statutory interest and penalties accruing from December 19, 2011, pursuant to 26 U.S.C. §§ 6601, 6621, and 6622.

WHEREFORE, the plaintiff United States of America demands judgment in favor of the United States of America and against the defendant Dennis E. Lambka for his 1999, 2000, 2001, 2002, 2003, 2004, 2006, and 2008 federal income tax liabilities in the amount of \$429,499.24, plus statutory additions accruing from and after December 19, 2011, including interest pursuant to 26 U.S.C. §§ 6601, 6621, and 6622, and that the Court award the United States of America such further relief, including the costs of this action, that the Court deem just and proper.

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